

Owen County Family Court Project

Basic Information on Owen County

Population: 21, 786

County Seat: Spencer

Judicial Officers: 2

Project Implementation: January 2002

Owen County Project Judge: Judge Frank Nardi

Owen County Family Court Personnel

The Project is run with a part-time administrator position (approx. 5-10 hours per week). The project also contracts with local attorneys on an hourly basis for facilitation/mediation services. Additionally, the Family and Children Mediation Clinic at the Indiana University School of Law provides mediation services at no charge.

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Funding for Owen County through 2005

Family Court Project Funding

\$10,000 2002

\$1,000 2003

\$3,000 2004

Owen County Office of Family and Children

\$10,000 per calendar year paid monthly for facilitation in CHINS and high-risk custody disputes.

Family Court Programming

ADR for Low Income and Pro Se Families

The Owen County Family Court Project began as a joint family court project with Putnam County in 2002. Owen County initially adopted Putnam County's Alternative Dispute Resolution program, referred to as "facilitation." Facilitation is a less formal method of Alternative Dispute Resolution used to resolve cases outside of the courtroom in divorce, paternity, guardianship, and CHINS cases. The Family Court Coordinator conducted an intake on cases referred from the Court for facilitation, and arranged for private mediators to serve as facilitators at an hourly rate.

Beginning in 2005, the Owen County Project began an arrangement with the Family and Children Mediation Clinic at the Indiana University School of Law-Bloomington (under the direction of Law Professor Amy G. Applegate) to provide mediation services to low income families in divorce and paternity cases. Law students conduct most of the mediations; however, prior to conducting Owen County mediations, the law students

must become certified Domestic Relations mediators through an intensive state-sponsored course taught by Professor Applegate at the law school. Professor Applegate provides necessary supervision to the students throughout the mediation process, and Professor Applegate is directly involved in the more complicated mediations. Private mediators have also been utilized when there is a conflict or law students are unavailable.

In developing this program, the Judge, law school and family court coordinator have developed written protocols and forms to insure that the process comports with the needs and ethical considerations of pro se parties. The program is transitioning from a “facilitation” model to “mediation” in order to fully utilize the benefits and protections of Indiana’s Alternative Dispute Resolution Rules.

How The Program Works

The Judge issues an order for mediation to parties who are pro se and/or low income. The Owen County Family Court Coordinator conducts an intake with the referred parties and conducts a financial assessment to determine the ability of the parties to make a co-payment for the services. The Coordinator then sets the date for the mediation and to obtain the necessary court files (and other related cases the family might have pending).

On the same day and immediately following the Owen County intake, representatives from the Family and Children Mediation Clinic conduct an intake to ascertain the parties’ issues, screen for conflicts, and provide information to the parties (e.g., the Indiana Parenting Time Guidelines). The mediations frequently are conducted at the Owen County Courthouse, but may be conducted at the Family and Children Mediation Clinic in Bloomington. If agreements are reached, the law students finalize the agreement and print it out immediately so that the parties have the opportunity to review and sign the agreement. Once the agreement is signed, the law student mediator tenders the agreement and a Mediator’s Report to the Court.

Owen County submitted an ADR plan to the Division of State Court Administration that will enable it to collect a \$20 ADR fee in new divorce and private paternity filings. The fee will be used to pay for mediation services for low-income families. This fee is separate from any co-pay amount that is ordered based upon the specific ability of the parties to pay for services.

Families Served in Owen County

Owen County accepted its first case in the fall of 2002. As of September 2005, the Owen County Project has offered facilitation services to 69 families involving 73 cases. Seven mediation cases are currently pending.